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EMILY WILLIAMS

7
8 [Additional Counsel for Parties Listed
on Signature Page]

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 EMILY WILLIAMS, on behalf of herself and
all others similarly situated,

12 Plaintiffs,

13 vs.

14 FLUSHMATE, a division of SLOAN VALVE
15 COMPANY, a Delaware corporation,
GERBER PLUMBING FIXTURES, LLC, a
16 Delaware corporation, and DOES 1-10,
inclusive,

17 Defendants.
18

Case No. C-12-cv-004757-EMC

**STIPULATION AND [PROPOSED]
ORDER RE DISMISSAL OF ACTION**

1 Plaintiff Emily Williams (“Plaintiff”) and Defendants Flushmate, a division of Sloan
 2 Valve Company, and Gerber Plumbing Fixtures, LLC (collectively “Defendants”), through their
 3 respective counsel, hereby stipulate as follows:

4 WHEREAS, on September 12, 2012, Plaintiff originally filed this action;

5 WHEREAS, on October 9, 2012, the Court entered a limited stay of this action until
 6 November 12, 2012 (Docket No. 14);

7 WHEREAS, on October 5, 2012, Plaintiff joined an action against Defendants arising
 8 from the same facts in the Central District of California, *United Desert Charities, et al. v.*
 9 *Flushmate, et al.*, Case No. 12-cv-06878 SJO (SHx) (“UDC Action”), that had been originally
 10 filed on August 9, 2012;

11 WHEREAS, Plaintiff’s allegations against Defendants are included in the First Amended
 12 Class Action Complaint filed in the UDC Action on October 5, 2012;

13 WHEREAS, Defendants have filed motions to dismiss and to transfer the UDC Action,
 14 which motions Plaintiff opposes;

15 WHEREAS, the parties stipulate and agree, and hereby seek approval from this Court,
 16 that, in the interest of judicial economy, this action be dismissed without prejudice because of the
 17 first-filed UDC Action.

18 THEREFORE, Plaintiff and Defendants respectfully request that this Court dismiss this
 19 action without prejudice pursuant to Fed. R. Civ. P. 41(a)(2). A proposed form of order is
 20 attached hereto.

21 Dated: November 9, 2012

BIRKA-WHITE LAW OFFICES

23 By: /s/ David M. Birka-White
 24 David M. Birka-White

25 Attorney for Plaintiff
 26 Emily Williams

1 Dated: November 9, 2012

SNR DENTON US LLP

2
3 By: /s/ Steven H. Frankel
4 Steven H. Frankel

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19 Attorneys for Defendants
20 Flushmate, a division of Sloan Valve Company
21 and Gerber Plumbing Fixtures, LLC
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ORDER

For good cause shown, the above-captioned action is hereby DISMISSED pursuant to Fed. R. Civ. P. 41(a)(2). This dismissal is without prejudice and has no effect on any related action.

IT IS SO ORDERED.

11/13/12

Dated: _____

